

STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY



Newsletter



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BOARD WITHDRAWS RULE ALLOWING ASSISTANTS TO ATTEND "ARD'S"

In December 1997 the Board received extensive comment concerning the shortage of speech-language pathologists in the public schools, and the high caseloads experienced by the clinicians. Further concern was expressed regarding the limited scope of practice of licensed assistants in speech-language pathology, and the oversight requirements.

Due to the urgency of the concerns raised at the December 4, 1997 meeting, the Board agreed to take to *temporarily suspend enforcement of certain rules, §741.65(i), pertaining to the practice of licensed assistants*. The temporary suspension was only effective for acts or omissions occurring after December 31, 1997, and only until rule revisions became effective or until further notice. Under defined limitations licensed assistants were allowed to attend staff meetings or "ARDs" without the presence of their licensed speech-language pathologist supervisor.

Two conditions had to be met to qualify for this temporary suspension of the rule: 1) the licensed assistant must have practiced for at least three years as a licensed assistant or the equivalent time of practice in another state, 2) the speech language pathologist who submitted the completed Supervisory Responsibility Statement for that particular assistant (and the board office acknowledged acceptance of the form) must: determine the competency of the assistant to perform additional duties and accept undiminished responsibility for the additional duties of the assistant; sign and consult with the assistant on all reports; and sign agreement to all ARDs. If the above conditions were met the licensed assistant could attend staff meetings without the presence of their licensed speech-language pathologist for the purpose of: participating in ARD meetings or other meetings, such as *routine monitoring or to schedule changes that did not require speech-language pathology consultation or deliberation; and presenting written reports signed by the licensed speech-language pathologist at staff meetings or recommend routine dismissal or admission when all parties are in agreement*.

On September 22, 2000 the Board withdrew proposed §741.65(i) from consideration for permanent adoption.

**-- EFFECTIVE IMMEDIATELY --
A LICENSED ASSISTANT MAY NOT ATTEND
AN ADMISSION, REVIEW, AND DISMISSAL
(ARD) MEETING WITHOUT THE SUPERVISOR
BEING PRESENT.**

A representative of the Texas Education Agency (TEA) submitted information that an assistant in speech-language pathology cannot fulfill any of the required roles on the ARD meeting team which consists of parent/student; special education teacher or service provider (highest qualified); general education teacher; agency representative (administrator qualified to supervise); and a member who can interpret the implications of assessment.

The information referenced 19 T.A.C., Part II, **Texas Education Agency** Rules, Chapter 89 Adaptations for Special Populations Subchapter AA. Special Education Services, §89-1131(b)(1) and 34 **Code of Federal Regulations**, Part 300, Assistance to States for the Education of Children with Disabilities, subpart C-Services, §300.344 IEP team.

The specific language may be viewed on the Internet as follows:

Texas Education Agency:

<http://www.tea.state.tx.us/rules/tac/chapter089/ch089a.a.html>.

Code of Federal Regulations:

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.

"ROLL-OVER" CHANGED FOR CONTINUING EDUCATION

Effective September 1, 2004 Requirements for Professional Education (Section 741.162) will allow licensees to accrue only ten (10) additional hours per renewal period for the excess to "carry-over" to the following year. Currently a licensee may earn an additional twenty (20) hours per renewal period and the excess carries over to the next two years. The Board believes the change is made necessary by the rapid expansion of technology and accessibility of data in the professions. Currency of knowledge is a fundamental requirement for provision of quality care to clients.

§741.162(j) Effective with licenses that expire on or after September 1, 2004, earned continuing

Cont. Page 2...

CE "Roll-Over" Continued

education hours exceeding the minimum requirement in a previous renewal period shall first be applied to the continuing education requirement for the current renewal period.

(1) A maximum of 10 additional clock hours may be accrued during a license period to be applied to the next consecutive renewal period.

(2) A maximum of 15 additional clock hours may be accrued by dual speech-language pathology and audiology licensees during a license period to be applied to the next consecutive renewal period.

(k) Licenses that expire prior to September 1, 2004, earned continuing education hours exceeding the minimum requirement in a previous renewal period shall first be applied to the continuing education requirement for the current renewal period.

(1) A maximum of 20 additional clock hours may be accrued during a license period to be applied to the next two consecutive renewal periods.

(2) A maximum of 30 additional clock hours may be accrued by dual speech-language pathology and audiology licensees during a license period to be applied to the next two consecutive renewal periods.

HOW MANY INTERNS & ASSISTANTS MAY BE SUPERVISED?

At its September meeting the Board revisited the proposed rule to require submission of proof of need to supervise more than four interns or assistants, and elected to revise the rule.

A supervisor of an intern or assistant is ultimately responsible for the services provided and must limit the number of individuals being supervised in order to assure that the appropriate level of service is provided to clients. In making this determination a supervisor must consider his or her own caseload, the caseload of the individuals being supervised, and severity of the communication disorder.

The Board removed the specific number of individuals being supervised and included language concerning the supervisor's responsibility when it adopted the rule as final.

PROPOSED RULES ADOPTED AS FINAL

The Board completed the Agency Rules Review when it adopted the proposed rules as final on September 22, 2000. The preamble and rules will be printed in the Texas Register and will become effective 20 days after

publication date. The rules will be available on the Board's Homepage before January 31, 2001. (www.tdh.state.tx.us/hcqs/plc/speech.htm)

Licensees are encouraged to print out the Act and Rules for their review since numerous changes have been made. Many changes effect the Board Forms that are being revised and will be available on the website.

Licensees should review the sections on license renewal and the continuing professional education requirement at §741.161 and §741.162. Prior Board approval for continuing education in a related area is required. Sections of special note to supervisors, interns and assistants: 741.41, 741.62, or 741.82, and 741.65 or 741.85 of the final rules.

TEA "UPGRADE" TIMELINES

The Texas Education Agency (TEA) provided the Board with their current document relating to: *Masters Degree Upgrade Timelines for Texas Public School Professional Speech-Language Pathology Service Providers* and a chart showing *Credentials and Assignments for Personnel Providing Speech Therapy Services in Texas Public Schools*. The documents may be viewed in their entirety on the Board homepage: www.tdh.state.tx.us/hcqs/plc/speech.htm.

The Individuals with Disabilities Education Act (IDEA) requires state education agencies to identify all areas of special education services in the public schools that employ personnel with lower academic standards than are required for personnel practicing in other settings. The state education agency must have a plan approved by the Office of Special Education Programs (OSEP) that describes the steps and timeline for the state to ensure personnel providing public school special education or related services meet the highest academic entry level or equivalent required of the profession or discipline in the state. The plan is a target, not a law.

In Texas the highest academic standard is the Master's degree. The TEA plan with OSEP recognizes as "equivalent" those with a bachelor degree and a Texas speech-language pathology license, originally issued under the "grandfather" provision. The Plan proposes that in 2003:

- Those without a Texas speech-language pathology license, who still need half or more of the public school services years for retirement will have the Master's degree by the year 2003, and
- Those who have completed more than half of the required service years for retirement by 2003 will have the Master's degree by the 2013-14 school year.

If you need clarification concerning these documents or have other public school speech therapy practice questions call the *TEA Division of Special Education* (512-463-9414).

NEWSLETTER CHANGES

Due to budgetary limitations within The Texas Department of Health the Board Newsletter has been reduced to four pages and licensees will be referred to the Board Homepage for details of rule changes, and standard information sections, e.g. Praxis information, CE Sponsors, and Board member contact information.

www.tdh.state.tx.us/hcqs/plc/speech.htm

DISCIPLINARY ACTION

ON SEPTEMBER 22, 2000, THE BOARD:

Accepted the surrender of the speech-language pathology license issued to **Michiel Liddell** as a result of a formal disciplinary action for alleged Code of Ethics violations; for not maintaining records of professional services rendered, not making available client records upon request, and sexual misconduct with a student.

Approved the Agreed Order with **Jennifer Beckham** for Code of Ethics violations for her failure to uphold the highest standards of integrity and ethical principals; honor her responsibility to each client; maintain accurate records of professional services rendered; make available client records upon request of the client or guardian of the client; and maintain objectivity in all matters concerning the welfare of clients. **The Board imposed a thirty-six week probationary period of the intern license with at least three hours per week of direct, on site supervision.** In addition **Ms. Beckham shall complete a course or seminar on anger management during the probationary period.**

Eight reprimands were issued:

- Three for practicing without a license,
- One for failure to provide appropriate supervision to an intern in audiology,
- One for practicing without any supervision as an intern in audiology,
- Two for allowing an individual to practice prior to issuance of a license, and
- One for failure to provide documentation of an initial evaluation or program notes for a client.

In addition to the disciplinary actions imposed by the Board, the Complaints Committee:

- Issued two warning letters of concern for practicing as speech-language pathologist after expiration of the 60-day grace period,
- Required that a speech-language pathologist complete a college/university course in behavior modification specifically directed toward children age three and under in lieu of recommending a more severe disciplinary action,
- Requested an individual change his method of advertising. He is not licensed as an audiologist even though his business has a

contract with a university to provide audiological services, and

- Requests all audiologists registered to fit and dispense hearing instruments include a specific date (end of 30 day refund period) on the contract as to when the purchased instrument must be returned in order to receive a refund. (Due to several complaints related to the 30 day refund policy)

Q & A

Q. Is it legal for a licensee to sign a test form if the test were administered by a para-professional in a language screening at a day care or Head Start Center?

A. A licensee is only authorized to accept responsibility for screening conducted in accordance with the provisions for interns or assistants as defined in Board Rule, §741.62 relating to the practice of interns and §741.65 relating to the practice of assistants. A licensee should not sign test forms for screening conducted by individuals not covered by the licensure Act.

Q. May a speech-language pathologist administer and interpret intelligence and achievement tests?

A. The administration and interpretation of intelligence and achievement tests are not covered in Subchapter A §741.2, Definitions in which the practice of speech-language pathology is defined. These tests are not a standard part of the pre-professional education for speech-language pathologists, and the Code of Ethics clearly prohibits one from engaging in an activity without proper training. Therefore, one should not construe the speech-language pathology license as sufficient authority to administer intelligence and achievement tests. One should also review the psychology licensure Act, §465.4.

JOINT COMMITTEE ON INFANT HEARING

With the passage of the Early Hearing Detection and Intervention (EHDI) legislation by the 76th Legislature, the Joint Commission on Infant Hearing (JCIH) Year 2000 position statement is of utmost importance to Texas audiologists and speech-language pathologists.

The JCIH Year 2000 Position Statement updates and replaces the 1994 statement. The JCIH endorses early detection of hearing loss and intervention for infants through integrated, interdisciplinary state and national systems of universal newborn hearing screening, evaluation, and family-centered intervention. Accountability is highlighted by identifying benchmarks, which serve as goals or targets for EHDI programs. Program administrators, state and federal agencies and services providers should apply the principles.

CONSUMER COMPLAINT INFORMATION

P.O. BOX 141369
AUSTIN, TX 78714-1369

PHONE: 1-800-942-5540

BOARD OFFICE

PHONE: (512) 834-6627

FAX: (512) 834-6677

E-MAIL:

speech@tdh.state.tx.us

WEBSITE-BOARD HOMEPAGE

www.tdh.state.tx.us/hcqs/plc/speech.htm

OFFICE STAFF

Dorothy Cawthon, Exec. Sec.

Lanell Brown

Marsha Lawson

Johna Stowe

Lowell Schorr

BOARD MAILING ADDRESSES

CORRESPONDENCE DOES NOT INCLUDE A FEE:

1100 West 49th Street
Austin, Texas 78756-3183

CORRESPONDENCE INCLUDES A FEE:

State Board of Examiners for
Speech-Language Pathology
and Audiology
Texas Department of Health
P.O. Box 12197
Capitol Station
Austin, TX 78711-2197

BOARD MEMBERS

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Judith (Judy) A. Chambers

Deborah (Deb) L. Carlson

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Cheryl (Sherry) L. Sancibrian

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Editor: Larry Higdon

E-mail: LarryHigdonTx@aol.com